

JOSEPH DUGHMAN,

Case No. 3:07-cv-0693

y.

Judge Haynes

Magistrate Judge Brown

Defendant.

Defendant Abercrombie & Kent, Inc. ("Abercrombie & Kent"), by and through counsel, respectfully moves this Court to dismiss the Plaintiff's Complaint filed June 29, 2007 pursuant to Fed. R. Civ. P. 12(b)(2) and Fed. R. Civ. P. 12(b)(6) due to lack of personal jurisdiction and failure to state a claim. In support of this Motion, Abercrombie & Kent has separately filed a Memorandum in Support of Abercrombie & Kent's Motion to Dismiss and the Declaration of Brett Fichte.

WHEREFORE, in consideration of the foregoing, Defendant Abercrombie & Kent respectfully requests that this Court grant its Motion to Dismiss the Plaintiff's Complaint.

Dated August 17, 2007.

Respectfully submitted,

NEAL & HARWELL, PLC

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Counsel for Abercrombie & Kent, Inc.

ORDER
Based upon the
omended complaint
and the Defendant's motion
to dismiss that complaint,
this motion is DENIED
as moot.

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3-10-08